

# **Item A**

**Land Adjacent to 76 Burnquarter  
Road Ballymoney Co. Antrim**

**D/2014/0168/F**

**Full Application**

**28<sup>th</sup> October 2015**

<b><u>No:</u></b>	D/2014/0168/F	<b><u>Ward:</u></b>	Killoquin Lower
<b><u>App Type:</u></b>	Full Application		
<b><u>Address:</u></b>	Land Adjacent to 76 Burnquarter Road, Ballymoney, Co. Antrim		
<b><u>Proposal:</u></b>	Creation of a Waterway for Wakeboard instruction with Ancillary Buildings and Car Parking.		
<b><u>Con Area:</u></b>	N/A	<b><u>Valid Date:</u></b>	
<b><u>Listed Building Grade:</u></b>	N/A		
<b>Agent:</b>	Richard Millen, 76 Millbrooke Manor, Ballymoney BT53 7HX		
<b>Applicant:</b>	Get Set Wet CIC		
<b>Objections:</b>	1	<b>Petitions of Objection:</b>	0
<b>Support:</b>	0	<b>Petitions of Support:</b>	0

Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.gov.uk)

## **1 RECOMMENDATION**

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in section 7 and resolves to **Refuse** planning permission subject to the reasons set out in section 10.

## **2 SITE LOCATION & DESCRIPTION & CHARACTER OF AREA**

- 2.1 The site is within the rural area. It is a roadside site accessed off Burnquarter Road, near the junction of the Finvoy Road. There are four dwellings in close proximity to the site and are positioned between the site and the Finvoy Road.
- 2.2 The site comprises a fairly large irregular shaped agricultural field which is currently used for grazing. All boundaries are defined by a post and wire fence with the exception of the western boundary which abuts a private laneway serving three

dwellings. This boundary is defined by a post and wire fence coupled with a low beech hedgerow. The land to the south of the site falls away slightly towards an existing copse of trees and watercourse (Drumahiskey River).

### **3 RELEVANT HISTORY**

None

### **4 THE APPLICATION**

- 4.1 Creation of a Waterway for Wakeboard instruction with Ancillary Buildings and Car Parking. The proposal comprises development of an artificial lake, a zip line, raised platforms, covered walk ways, shower and changing rooms, meeting room, toilets, store and car park.

### **5 PUBLICITY & CONSULTATIONS**

#### **External:**

- 5.1 **One (1) letter of objection.** Raising concern of the issue of run off onto adjoining land.

#### **Internal:**

- 5.2 **Transport NI:** Request further details. .

**Environmental Health:** Noise Impact Assessment required.

**Rivers Agency:** Flood Risk Assessment required.

**NIW:** No objection, Pre development enquiry consultation required.

**NIEA WMU:** No Objection subject the applicant applying for appropriate discharges and consents.

**NIEA Natural Environment:** No objection

**NIEA HMU:** Concern of impact upon two sites of Archaeological remains. Surveys are required as per Policy BH 3 of PPS 6.

**NIEA WM:** Request further details identifying and managing the risks to surface water and ground water resources.

## **MATERIAL CONSIDERATIONS**

- 6.1 Article 45 of the Planning Act (Northern Ireland) 2011 states that, “where an application is made for planning permission, the council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations.”
- 6.2 The development plan is:
- Northern Area Plan 2016 (NAP)
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as both a new local plan strategy and local policies plan are adopted, and found to be sound, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7. 0 RELEVANT POLICIES & GUIDANCE**

PPS 2 Planning & Nature Conservation

PPS 3 Access, Movement and Parking

PPS 6 Planning, Archaeology & the Built Heritage.

PPS 8 Open Space, Sport and Outdoor Recreation

PPS 15 Planning & Flood Risk

PPS 16 Tourism

PPS 21 Sustainable Development in the Countryside

## **8.0 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to: the principle of the development in this location; visual impact; residential amenity; impact on Archaeology, and; flooding.

### **Principle of development**

- 8.2 Policy CTY 1 of PPS 21 sets out the range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The policy goes on to list a number of non-residential developments which would be acceptable in the countryside and includes:
- Tourism development in accordance with the PPS 16
  - Outdoor sport and recreational uses in accordance with PPS8.
- 8.3 PPS8 outlines the main policy context for such proposals for sport and outdoor recreation and specifically Policies OS3 and OS5.
- 8.4 Policy OS3 'Outdoor Recreation in the Countryside' states that the Planning Authority will permit the development of proposals for outdoor recreational use in the countryside where all of the outlined criteria are met: no adverse impact on the natural environment, archaeology, built heritage; residential amenity; visual amenity; public safety; high quality design sympathetic to their surrounding environment; needs of the disabled and satisfactory provision of car parking road network.
- 8.5 Policy OS 5 'Noise Generating Sports and Outdoor Recreational Activities' requires three listed criteria to be met: no unacceptable level of disturbance to people living nearby; no unacceptable level of disturbance to farm livestock and wildlife; and no conflict with the enjoyment of environmentally sensitive features and locations or areas valued for their silence and solitude.

- 8.6 Policy OS 6 ‘Development of Facilities ancillary to Water Sports’, sets out criteria to ensure that there are no adverse impact on features important to nature conservation, archaeology or built heritage; no adverse impact on visual amenity or the character of the landscape; and will not result in an unacceptable level of noise or disturbance; takes the account of the needs of people with disabilities.
- 8.7 PPS 3 requires that adequate access and parking arrangements are in place. Transport NI have requested amended proposals to address a number of concerns. This have not as yet been addressed by the Agent.
- 8.8 Policy TSM 2 and TSM 7 of PPS 16 which considers the impact of the proposal on rural character, landscape and natural built heritage.

### **Visual Impact**

- 8.9 Policies OS3, OS6 of PPS8, CTY13 and CTY14 of PPS21 all include reference to the potential visual impact from such proposals.
- 8.10 The proposed site is located off the Finvoy Road and to the rear of 4 dwellings and one approved dwelling. The dwellings are all within 40m of the site. It is bounded by agricultural lands to the South and East and the Burnquarter Road to the North.
- 8.11 The land is open, flat and slightly elevated to the existing adjacent dwellings. The proposed buildings are, in relation to their positioning, scale and massing, designed to cluster with the existing dwellings. However, the use of storage containers, connected by a covered walkway with corrugated roofing would be incongruous in this rural location.
- 8.12 The development as a whole including the lake, the zip line, platforms, proposed cafe, training area and changing facilities, access road and car park will become a dominant feature in the landscape due to the open nature of the site and its lack of long established boundaries. It would not be in keeping with the rural character and would rely primarily on the use of new landscaping for integration. Critical views are extensive and

transient in either direction of travel along the entire site frontage.

### **Residential Amenity**

- 8.13 Planning policy for recreational uses in the countryside states that proposals will not be permitted if they give rise to unacceptable level of disturbance to people living nearby (OS 3 and OS 5).The applicant states that the wakeboard equipment itself does not generate any noise and that the only anticipated noise will be from people talking or shouting and the sound of water under the wakeboard. The submitted information also states that the zip line can only be used by one person at any one time.
- 8.14 The scale of the proposal has the potential to result in a significant increase in noise levels within what is a rural and fairly quiet setting. It is anticipated that the main noise would be the likely shouting or cheering of participants and spectators. The residential properties are located close to the site 20 -40m away.
- 8.15 The proposal does not appear to include floodlighting. However, the submitted information refers to the use of ambient lighting to avoid trip hazards when using the facility during dark evenings as such it would appear likely that the proposal will be used at evenings, weekends and potentially over considerable hours in the summer months. The applicant has also stated that the proposal will be used by visitors including school parties. While the hours of use may be dealt with through the use of an appropriate condition, the proposal has significant potential to result in a detrimental impact to the residential amenity of a number of neighbouring properties.
- 8.16 The Environmental Health Department has been consulted and requires the submission of a Noise Impact assessment to fully assess the potential impact of the proposal. This has not been submitted.

### **Impact on Archaeology**

- 8.17 The proposed site contains the remains of a souterrain as well as a mill site both of which are protected under Policy BH2 of PPS 6. NIEA Historic Monuments has advised that the mill site is of local importance and is recorded in the Industrial Heritage Record of NI. The precise location and extent of the souterrain are unknown and if located within the development site, it also poses a health and safety concern due to the threat of collapse. Policy BH 3 requires developers to provide further information in the form of an archaeological assessment or archaeological evaluation. They have suggested that if after evaluation of the site in accordance with BH 3 of PPS 6 the location is identified the application layout may be altered in order to preserve it. This would be required to be carried out within the existing red line of the application site.
- 8.18 However, due to the timebound funding of the proposal, NIEA HMU after meeting with the applicant on site, accepted that a negative condition for mitigation as per policy BH 4 would be possible in this occasion. NIEA: HMU would require a letter from the applicant stating that he is prepared to accept the potential risks (time and financial) of carrying out all the archaeological works at post-determination stage rather than at pre-determination stage.

### **Flooding**

- 8.19 Although the site does not lie within the 100 year fluvial flood plain the north of the site is bounded by a small undesignated watercourse and is in close proximity to the Drumahiskey River. Based on the scale and type of development Rivers Agency has requested the submission of a Flood Risk Assessment.
- 8.20 One objection has been received in relation to the proposal. The objection relates specifically to issues of run-off and drainage / flooding issues. A number of consultations have been carried out including consultation with Rivers Agency, NIEA Water Management Unit and NIEA Waste Management Unit in relation to groundwater. Rivers Agency has requested the submission of a Flood Risk Assessment which would include details relating to drainage and would be necessary to fully examine the potential issues raised by the objector.

### **Other Matters**



- 8.21 The site has been designed to cater for the disabled as per the policy requirement in OS 3 and OS 5.
- 8.22 Officials, to negate any unnecessary burden on the applicant, did not request a number of surveys until the principle of the development at this location was fully explored. The information outstanding relates to a Noise Impact Assessment, Flood Assessment and further Transport NI requests.

## **9 CONCLUSION**

- 9.1 The proposed development is considered unacceptable in this location having regard to the Area Plan and other material considerations. The current proposal would be prominent and fail to integrate into the landscape and would likely give rise to an unacceptable level of disturbance to people living nearby. The potential for the flood risk remains unresolved. Refusal is recommended.

## **10. Refusal Reasons:**

- 10.1 The proposal is contrary to Policies OS3 and OS6 of PPS8 Open Space, Sport and Outdoor Recreation, Policy TSM 7 of PPS16 - Tourism and policies CTY1, CTY13 and CTY16 of PPS21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries, is unable to provide a suitable degree of enclosure for the buildings and ancillary works to integrate into the landscape and the proposed building relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.
- 10.2 The proposal is contrary to Policies OS3, OS5 and OS6 of PPS8 Open Space, Sport and Outdoor Recreation, Policy TSM 7 of PPS16 - Tourism and policy CTY1 of PPS21, Sustainable Development in the Countryside, in that it has not been demonstrated that the proposal will not result in a detrimental impact on residential amenity as a result of noise.

10.3 The proposal is contrary to Policy FLD 5 of PPS 15: Planning and Flood Risk, in that the development proposes an impounding structure which, if permitted, would increase the risk of flooding, and no information has been submitted to demonstrate otherwise.